

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(Northern Division)

EARLE E. AUSHERMAN, et al.,	*	
Plaintiffs,	*	
v.	*	Civil Action No. MJG-01-438
BANK OF AMERICA CORP., et al.,	*	
Defendants.	*	

\* \* \* \* \*

**DEFENDANTS' MOTION FOR LEAVE TO FILE SURREPLY IN OPPOSITION  
TO PLAINTIFFS' MOTION FOR RECALCULATION  
OF ATTORNEYS' FEES ON REMAND**

Pursuant to Maryland Local Rule 105.2 (a), Defendants Bank of America Corp. and Banc of America Auto Finance Corp. ("Defendants") hereby move this Court to grant it leave to file a surreply in brief opposition to Plaintiffs Earle E. Ausherman, et al.'s ("Plaintiffs") Reply Brief in support of their Motion and Memorandum for Recalculation of Attorneys' Fees on Remand. In their reply brief, Plaintiffs raise several new arguments and theories, including but not limited to Mr. Sweetland's ability to pay the sanctions at issue and the argument that this Court should consider the relative financial positions of the parties. In turn, Defendants request the opportunity to respond briefly, via a four (4) page memorandum, to Plaintiffs' most recent pleading and request that this Court withhold ruling on the pending motion for recalculation of attorneys' fees on remand until such time as Defendants have had an opportunity to file their surreply. The subject Surreply is ready for filing and is attached hereto as **Exhibit 1**.

Respectfully submitted,

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Corporation and Banc of America Auto  
Finance Corporation*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 7th day of August, 2007, a true copy of the foregoing Defendants' Bank of America Corporation and Banc of America Auto Finance's Motion For Leave To File Surreply and Proposed Order were served via ECF, e-mail and first-class mail, postage prepaid, upon: Rodney R. Sweetland, III, Esq., Adduci, Mastriani & Schaumberg, LLP, 1200 17<sup>th</sup> Street, N.W., Fifth Floor, Washington, DC 20036.

\_\_\_\_\_/s/  
Ava E. Lias-Booker